



City of Minneapolis
Department of Regulatory Services
Licenses and Consumer Services Division
350 South Fifth Street Room 1-C City Hall
Minneapolis, Minnesota 55415
www.minneapolismn.gov



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**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L173 27128 UNION LIQUOR STORE
for LIQ OFF-SALE SERIES 4000

Held by:
JPOC INC
ATTN: JAMES P O'CONNELL
3219 PENN AVE N
MINNEAPOLIS, MN 55412

12-0958425

This matter came before a License Settlement Conference hearing on Monday, December 17, 2012. Appearing for the licensee were James O'Connell, President Union Liquor Store, and Gary Rother, Manager, Union Liquor Store. Appearing for Licenses and Consumer Services were Grant Wilson, Manager, Licenses and Consumer Services and Nicole Anderson, License Inspector. Lieutenant Chris Hildreth and Sergeant Rolf Markstrom represented the Minneapolis Police Department. Based on the evidence presented at the hearing, the department makes the following finding of facts:

Findings of Fact

1. The Minneapolis Police Department License Investigative Division conducts youth alcohol compliance checks in an effort to assure retail-alcohol license holders are not serving alcohol to persons under the age of 21.
2. On October 26, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Union Liquor Store, located at 3219 Penn Av N, in the City of Minneapolis. A 20 year old male shopper was sent into the business in an attempt to purchase alcohol. The shopper went to the beer

cooler, and picked out a 12 ounce can of Miller Genuine Draft. The shopper presented the can of beer to the cashier at the register. The cashier did not ask the shopper for his ID. The cashier rang up the sale. The shopper paid for the can of beer. The clerk gave the shopper his change. The shopper then took possession of the can of beer. Two plain clothes Minneapolis Police Officers were situated approximately 15 feet away from the shopper and observed the above transaction. The shopper handed the can of beer to the officers. The sale was completed and the business was considered to have failed the compliance check. As a result of the compliance check failure, an administrative citation was issued to Union Liquor Store in the amount of \$500.00 as detailed in a City Council Resolution. Union Liquor Store has paid the \$500.00 administrative fine.

3. On December 13, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at Union Liquor Store pursuant to the above compliance check failure. One underage shopper was sent into Union Liquor Store in an attempt to purchase alcohol. The underage shopper was carded, identified as being under 21 years of age and refused service. The business passed the compliance re-check.
4. On November 14, 2012 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Union Liquor Store for the calendar year of 2012. A 19 year old female was sent into the business in an attempt to purchase alcohol. The shopper went to the beer cooler, picked out a six pack of Bud Light, and presented the six pack of beer to the cashier at the checkout counter. The cashier did not ask the shopper for her ID. The cashier rang up the sale. The shopper paid for the six pack of beer, and the cashier gave the shopper her change. The shopper took possession of the six pack of beer. Two plain clothes Minneapolis Police Officers were situated approximately 20 feet away from the shopper and observed the transaction. The shopper handed the six pack of beer over to the officers. The sale was completed and the business was considered to have failed the compliance check. This constituted Union Liquor Store's second youth alcohol compliance check failure within a 24 month period. As a result of the second compliance check failure, an administrative citation was issued to Union Liquor Store in the amount of \$1000.00 as detailed in a City Council Resolution. Union Liquor Store has paid the \$1000.00 administrative fine.
5. From the first sale on October 26, 2011, the cashier was charged with Furnishing Alcohol to a Person Under 21 and convicted of said charge. Criminal charges against the cashier are pending as a result of the November 14, 2012 sale.

Conclusions

1. On two separate occasions, employees of Union Liquor Store sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance 370.10, Minnesota Statute 340A.503 subd. 2(1), and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures all occurred in a period of less than 24 months.

2. The licensee has paid the \$500.00 administrative fine related to the first above stated compliance check failure. The licensee has also paid the \$1000.00 administrative fine related to the second above stated compliance check failure.

Recommendations

Based on evidence presented at the hearing, the department makes the following recommendations:

1. An administrative fine of \$1,500 will be paid upon signing this agreement, payable to the Minneapolis Finance Department, delivered to the office of Licenses and Consumer Services.
2. Union Liquor Store agrees to conduct underage alcohol compliance checks on its employees six (6) times a year. This activity is to be kept in a log book at the business and available to inspectors upon request.
3. Union Liquor Store agrees to continue to operate the technology that requires a scanned ID prior to the sale of alcohol.
4. Union Liquor Store agrees to have an additional trained store manager on the sales floor, whose main duty is to watch cashier and floor activities.
5. Union Liquor Store agrees to conduct annual alcohol server training.
6. This agreement does not alter or preclude any previously imposed license conditions that may exist regarding any other licenses held by Union Liquor Store.
7. This agreement shall not preclude any other adverse license action for subsequent violations of this agreement, or for subsequent violations or subsequently-discovered violations of any federal, state or local laws, ordinances, or regulations.

JPOC INC understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

Business
JPOC INC
DIBA UNION Liquor
By: [Signature]
(signature)
Its: President
(title)

Dated: 12/26, 2012

For the City of Minneapolis:

[Signature]
Grant J. Wilson
Manager

Dated: 12-31, 2012